May 14, 1970

Mario & DiBono Plastering Co., Inc.
370 Northern Blvd.
Great Neck, L.I., N. Y. 11021

Attention: Mr. L. DiBono

Re: The World Trade Center

Gentlemen:

This will confirm our discussions following service on you in connection with work being performed by you at the site of the World Trade Center construction of an order to show cause returnable before the Commissioner of the New York City Department of Air Resources "why an order should not be entered . . . directing that all equipment employed in the handling, use and spraying of asbestos-containing material should not be sealed." During our discussions, we reached a tentative agreement, subject to my obtaining all appropriate authorizations, as follows:

For a price of $320,000 you would be willing to perform the following extra work under Contract WTC-113.00, proposed Supplemental Agreement 3 to such contract (to cover fireproofing of the Northeast Plaza Building) and any subcontract awarded to you under Contract WTC-120.00 for the construction of the United States Custom House, currently in preparation:

1. Substitute spray material Cafco Type D-CF, an asbestos-free material, for the Cafco Type D material in all areas yet to be fireproofed.

2. Furnish and install Cafco sealant on all areas previously sprayed with Cafco Type D material which have not received and are not to receive Cafco Mark II hard finish.

This agreement is based on the understanding that you will not be entitled under the above contracts to compensation as provided in the "Compensation for Extras" clause for any surface preparation work entailing removal of excessively large areas of loose and friable material, whether

PLAINTIFF'S EXHIBIT PX-602

such work has already been done or is yet to be done, notwithstanding Section 13.03(2) of the Specifications for Contract WTC-113.00 or any other provisions in the contract documents to the contrary.

Pending the obtaining of all appropriate authorizations and prepararation of any change order covering any of the foregoing work, you are hereby authorized to proceed with the following:

1. Furnish and install Cafco sealant on all areas of Tower A from elevation 242 through the 41st floor, except the 32nd floor, for all areas previously sprayed with Cafco Type D material which have not received and are not to receive Cafco Mark II hard finish.

2. Substitute spray material Cafco Type D-C? for all areas to be fireproofed and not yet fireproofed in Tower A up to and including the 41st floor and Tower B area subleval 5.

Sincerely,

R. M. Monti
Construction Manager
The World Trade Center

AR:rd

bcc: Messrs. P. Falvey
M.P. Levy
A.J. Raiola
G.F. Tozzoli
F.H. Werneke